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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,940	04/14/2004	Tatsuya Kuroda	09792909-5866	5280

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SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

SARPONG, AKWASI

ART UNIT	PAPER NUMBER
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2625

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12/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/823,940	Applicant(s) KURODA ET AL.	
	Examiner AKWASI M. SARPONG	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/27/2008, 12/12/2007 and 02/03/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/15/2008 has been entered.

2. Claims 2 and 3 recites the limitation "the first and third rotation-processing unit" in Claims 2 and 3. There is insufficient antecedent basis for this limitation in the claim. The word "The" should be referring to a unit used before in claim 1 but there is no unit therefore Examiner is not clear of which unit the applicant is referring to.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cariffe (6281872) in view of Barrett (5301036).

Claim 1, Cariffe disclose a print terminal (**Fig. 1, El. 16 or printer 16**) comprising: an image-capturing unit (**Fig. 1, El. 13 or scanner 13 is used to scan images –hence capture images**) for receiving image data and outputting captured. (**Col. 2 , Lines 1-8, thus the image or photo is captured by scanner 13 and printed out by printer 16**)

a display unit (**Fig. 1, El. 14 or display 14**) configured to display a print-medium image (**Fig. 2, El. 41 shows the print medium or the paper which is going to be used to print the flower which is the image**) and a print image (Flower) superimposed on a rectangular frame representing an outline of a sheet serving as a print medium, (**Col. 2 Lines 15-25, Fig. 2 , El. 41-understand that El 41 shown in fig. 2 is the flower superimposed on the print medium or paper**) wherein said a print image is created by rotating the captured image data by a rotation angle, (**Col. 2 Lines 31-35, Fig. 2 El. 52-thus the desired image is ascertained by the user selecting button 52 which rotates the image according to the number put in by the user**) said rotation angle being selectable within a range of one to ninety degrees (**Col. 3 Lines 17-47- thus the user can select numbers between 0 and 180 degrees for example 45 degrees**)

a processing unit (**fig. 1 El. 12 or hardware driver**) configured to control, in response to a user input, an orientation of the print medium relative to the print image (**Col. 2 Lines 29-35-Be aware that when the image is rotated it changes the orientation of the image to the print medium which is superimposed on**) by at

least one of (i) rotating the print-medium image, (ii) rotating the print image, **(Col. 2 lines 30-35 hence the print image is rotated when the user select button 52).**

Carriffe does not disclose simultaneously rotating both the print image and the print- medium image.

Barrett discloses simultaneously rotating both the print image and the print-medium image. **(Col. 8, lines 36-50, Fig. 11- thus in order for the copier to output the image in a booklet form, both the image "A" and "B" and the print medium has to be rotated as clearly shown in Fig. 11 under the rotation required for right side up orientation column).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Carriffe's editor software to include rotating both the image and the print medium simultaneously so that the user can editor images in different ways as they desire.

Claim 2, Cariffe in view of Barrett discloses a print terminal, wherein the third rotation-processing unit rotates the print image **(Cariffe: Fig. 2 El. 41 or Flower)** and the print-medium **(Cariffe: Fig. 2, El. 41)** image by 90 degrees. **(Cariffe: Col. 3 Lines 30-47-thus the user select button 144 and 145 to rotate the image).**

NB: Understand that when the rotate the image by 90 degrees both the image and the medium is rotated together.

Claim 3, Cariffe in view of Barrett discloses a print terminal wherein the first rotation-processing unit is adapted to correct a tilt of the captured image data by rotating captured image data by a rotation angle less than ninety degrees. **(Cariffe: Col. 3 Lines 30-46, Fig. 6, El. 143 show a 45 degrees tilted image which was rotated by the user selecting or wherein (R=45)).**

Claim 4, Cariffe in view of Barrett discloses a print terminal that further comprising a reader **(Cariffe: Fig. 1, El. 13 thus the scanner is used to read the image as it is been scanned)** for reading the image data from a recording medium, wherein the image-capturing unit **(Cariffe: Scanner 13 is use to scan images)** receives image data read by the reader. **(Cariffe: Col. 1 Lines 61-67 and Col. 2 Lines 1-7-thus the scanner is used in scanning or reading hard copies into soft copies)**

Claim 5, Cariffe discloses a print system **(Fig. 1 shows a print system)** comprising: an image-capturing unit for receiving image data **(Fig. 1 El. 13 or Scanner 13)** and outputting captured image data **(Col. 2 , Lines 1-8, thus the image or photo is captured by scanner 13 and printed out by printer 16).**

a display unit **(Fig. 1, El. 14 or display 14)** configured to display a print-medium image **(Fig. 2, El. 41 shows the print medium or the paper which is going to be used to print the flower which is the image)** and a print image (Flower) superimposed on a rectangular frame representing an outline of a sheet serving as a print medium, **(Col. 2 Lines 15-25, Fig. 2 , El. 41-understand that El 41 shown in fig.**

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2 is the flower superimposed on the print medium or paper) wherein said a print image is created by rotating the captured image data by a rotation angle, **(Col. 2 Lines 31-35, Fig. 2 El. 52-thus the desired image is ascertained by the user selecting button 52 which rotates the image according to the number put in by the user)** said rotation angle being selectable within a range of one to ninety degrees **(Col. 3 Lines 17-47- thus the user can select numbers between 0 and 180 degrees for example 45 degrees)**

a processing unit **(fig. 1 El. 12 or hardware driver)** configured to control, in response to a user input, an orientation of the print medium relative to the print image **(Col. 2 Lines 29-35-Be aware that when the image is rotated it changes the orientation of the image to the print medium which is superimposed on)** by at least one of (i) rotating the print-medium image, (ii) rotating the print image, **(Col. 2 lines 30-35 hence the print image is rotated when the user select button 52).**

a printer for printing the print image on the print medium. **(Col. 2 Lines 1-8, Fig. 1 El. 16 or printer 16).**

Carriffe does not disclose simultaneously rotating both the print image and the print- medium image.

Barrett discloses simultaneously rotating both the print image and the print-medium image. **(Col. 8, lines 36-50, Fig. 11- thus in order for the copier to output the image in a booklet form, both the image "A" and "B" and the print medium has to be rotated as clearly shown in Fig. 11 under the rotation required for right**

side up orientation column). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Carriffe's editor software to include rotating both the image and the print medium simultaneously so that the user can editor images in different ways as they desire.

Claim 6, -Cancelled

Claim 7, Cariffe discloses a computer- readable storage medium **(Fig. 1 El. 17- thus the program used in carrying out these steps are all stored in memory 17)** storing a program comprising the steps of:

displaying a print-medium image and a print image, **(Fig. 2, El. 41 shows the print medium or the paper which is going to be used to print the flower which is the image)** whereby said print-medium image and said print image are displayed superimposed on a rectangular frame representing an outline of a sheet serving as a print medium, **(Col. 2 Lines 15-25, Fig. 2 , El. 41-understand that El 41 shown in fig. 2 is the flower superimposed on the print medium or paper)** wherein said_print image is created by rotating captured image data by a rotation angle, **(Col. 2 Lines 31-35, Fig. 2 El. 52-thus the desired image is ascertained by the user selecting button 52 which rotates the image according to the number put in by the user)** said rotation angle being selectable within a range of one to ninety degrees **(Col. 3 Lines 17-47- thus the user can select numbers between 0 and 180 degrees for example 45 degrees).**

controlling, in response to a user input, an orientation of [[a]] the print medium relative to the print image (**Col. 2 Lines 29-35-Be aware that when the image is rotated it changes the orientation of the image to the print medium which is superimposed on**) by at least one of (i) rotating the print-medium image, (ii) rotating the print image, (**Col. 2 lines 30-35 hence the print image is rotated when the user select button 52**) displaying a print preview of said print-medium image and the print image resulting from said at least one rotating step (**Fig. 3 El. 143 shows clearly how the final image is going to look like and the user can revert if it needs modification**) .

Carriffe does not disclose simultaneously rotating both the print image and the print- medium image.

Barrett discloses simultaneously rotating both the print image and the print-medium image. (**Col. 8, lines 36-50, Fig. 11- thus in order for the copier to output the image in a booklet form, both the image "A" and "B" and the print medium has to be rotated as clearly shown in Fig. 11 under the rotation required for right side up orientation column**). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Carriffe's editor software to include rotating both the image and the print medium simultaneously so that the user can editor images in different ways as they desire.

Claim 8, Carriffe in view of Barrett discloses wherein the processing unit is configured to control in response to a user input, (**Cariffe: Col. 2 Lines 28-35, thus**

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when a user selects a button to perform a function like rotation, it is the hardware driver or controller that process the request on behalf of the user) an orientation of the print medium relative to the print image (**Barrett: Col. 8 Lines 35-50-Fig. 11-thus thus the rotation is relative to the print image because of the superposition of the print image on the print medium-see NB for further explanation**), and the processing unit (**Cariffe: Fig. 2 El. 12 or hardware driver**) is operable to perform said control by any one of (i) rotating the print- medium image, (ii) rotating the print image, (**Cariffe: Col. 2 lines 30-35 hence the print image is rotated when the user select button 52**) and (iii) simultaneously rotating both the print image and the print-medium image. (**Barrett: Col. 8, lines 36-50, Fig. 11- thus in order for the copier to output the image in a booklet form, both the image "A" and "B" and the print medium has to be rotated as clearly shown in Fig. 11 under the rotation required for right side up orientation column**).

Claim 9, Cariffe in view of Barrett discloses wherein the processing unit is configured to control, in response to a user input, (**Cariffe: Col. 2 Lines 28-35, thus when a user selects a button to perform a function like rotation, it is the hardware driver or controller that process the request on behalf of the user**) an orientation of the print medium relative to the print image (**Barrett: Col. 8 Lines 35-50-Fig. 11-thus thus the rotation is relative to the print image because of the superposition of the print image on the print medium-see NB for further explanation**), and the processing unit is operable to perform said control by any one of (i) rotating the print-

medium image, (ii) rotating the print image, **(Cariffe: Col. 2 lines 30-35 hence the print image is rotated when the user select button 52)** and (iii) simultaneously rotating both the print image and the print-medium image. . **(Barrett: Col. 8, lines 36-50, Fig. 11- thus in order for the copier to output the image in a booklet form, both the image "A" and "B" and the print medium has to be rotated as clearly shown in Fig. 11 under the rotation required for right side up orientation column).**

Response to applicant's remark

The remarks filed by the applicant on 09/22/2008 was considered by the examiner but was considered not persuasive.

With regards to claim 1, the applicant argues that the cited reference fails to teach or suggest rotating a captured image data by a rotation angle, where the rotation angle is selectable within a range of one to ninety degrees. Applicant also pointed out that the cited references fails to teach or suggest displaying a print-medium image and a print image superimposed on a rectangular frame representing an outline of a sheet serving as a print medium, and controlling, in response to a user input, an orientation of the print medium relative to the print image by at least one of (i) rotating the print-medium image, (ii) rotating the print image, and (iii) simultaneously rotating both the print image and the print-medium image.

In reply, Examiner respectively disagrees because Cariffe discloses clearly rotating the captured image data by a rotation angle, **(Col. 2 Lines 31-35, Fig. 2 El. 52-**

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thus the desired image is ascertained by the user selecting button 52 which rotates the image according to the number put in by the user) said rotation angle being selectable within a range of one to ninety degrees (Col. 3 Lines 17-47- thus the user can select numbers between 0 and 180 degrees for example 45 degrees)

Cariffe also discloses displaying a print-medium image and a print image superimposed on a rectangular frame representing an outline of a sheet serving as a print medium, **(Col. 2 Lines 15-25, Fig. 2 , El. 41-understand that El 41 shown in fig. 2 is the flower superimposed on the print medium or paper).**

controlling, in response to a user input, an orientation of the print medium relative to the print image **(Col. 2 Lines 29-35-Be aware that when the image is rotated it changes the orientation of the image to the print medium which is superimposed on)** by at least one of (i) rotating the print-medium image, (ii) rotating the print image,. **(Col. 2 lines 30-35 hence the print image is rotated when the user select button 52).**

Carriffe does not disclose simultaneously rotating both the print image and the print- medium image.

Barrett discloses simultaneously rotating both the print image and the print-medium image. **(Col. 8, lines 36-50, Fig. 11- thus in order for the copier to output the image in a booklet form, both the image "A" and "B" and the print medium has to be rotated as clearly shown in Fig. 11 under the rotation required for right side up orientation column).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Carriffe's editor software to include

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rotating both the image and the print medium simultaneously so that the user can editor images in different ways as they desire.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKWASI M. SARPONG whose telephone number is (571)270-3438. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/King Y. Poon/
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